

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 95 - SB 85

March 31, 2011

SUMMARY OF BILL: Increases the penalty, from a Class E felony to a Class D felony, for knowingly making a false report of child abuse or neglect if the person making the report is a party to a custody or visitation determination and the person against whom the complaint is made is involved in the determination.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$7,800/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), one offender every other year will receive a Class D rather than a Class E felony as a result of this bill and will serve an additional 0.70 years (1.97 years Class D– 1.27 years Class E). The annualized time served per conviction is 127.84 days (0.50 annual number of convictions x 255.68 days).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every other year serving an additional 127.84 days.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The annualized cost per conviction is \$7,749.66 (\$60.62 x 127.84 days).
- Any additional increase in case loads for the court system can be accommodated within existing judicial resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc